



Senate

General Assembly

January Session, 2007

File No. 230

Senate Bill No. 1337

Senate, April 2, 2007

The Committee on Human Services reported through SEN. HARRIS of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING DISCRIMINATION AWARDS RECEIVED BY PERSONS WHO HAVE BEEN SUPPORTED BY STATE HUMANE INSTITUTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 17b-93 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2007*):

4 (c) No claim shall be made, or lien applied, against any payment
5 made pursuant to chapter 135, any payment made pursuant to section
6 47-88d or 47-287, any moneys received as a settlement or award in a
7 housing or employment discrimination case, any court-ordered
8 retroactive rent abatement, including any made pursuant to subsection
9 (e) of section 47a-14h, section 47a-4a, 47a-5, or 47a-57, or any security
10 deposit refund pursuant to subsection (d) of section 47a-21 paid to a
11 beneficiary of assistance under the state supplement program, medical
12 assistance program, aid to families with dependent children program,
13 temporary family assistance program or state-administered general

14 assistance program or paid to any person who has been supported
15 wholly, or in part, by the state, in accordance with section 17b-223, in a
16 humane institution.

17 Sec. 2. Subsection (c) of section 17b-129 of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective July*
19 *1, 2007*):

20 (c) No claim shall be made, or lien applied, against any payment
21 made pursuant to chapter 135, any payment made pursuant to section
22 47-88d or 47-287, any moneys received as a settlement or award in a
23 housing or employment discrimination case, any court-ordered
24 retroactive rent abatement, including any made pursuant to subsection
25 (e) of section 47a-14h, or section 47a-4a, 47a-5 or 47a-57, or any security
26 deposit refund pursuant to subsection (d) of section 47a-21 paid to a
27 beneficiary of assistance under sections 17b-122, 17b-124 to 17b-132,
28 inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive,
29 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340 to 17b-350,
30 inclusive, 17b-689b and 17b-743 to 17b-747, inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	17b-93(c)
Sec. 2	<i>July 1, 2007</i>	17b-129(c)

HS*Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: See below

Municipal Impact: See below

Explanation

This bill prohibits the state or municipalities from claiming or applying a lien against certain lump-sum payments received by people who have been in state “humane institutions”. To the extent that the state or towns would have sought such action, a future revenue loss may result. However, such actions are considered infrequent, and therefore any fiscal impact would be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 1337*****AN ACT CONCERNING DISCRIMINATION AWARDS RECEIVED BY PERSONS WHO HAVE BEEN SUPPORTED BY STATE HUMANE INSTITUTIONS.*****SUMMARY:**

This bill prohibits the state from claiming or applying a lien against certain lump-sum payments received by people who have been supported wholly, or in part, by the state in a humane institution. PA 05-280 added an exemption for a settlement or award in a housing or employment discrimination case, but did not cover people in humane institutions. The law defines a "humane institution" as a state mental hospital, community health center, treatment facility for children and adolescents, or any other facility or program administered by the departments of Mental Health and Addiction Services, Mental Retardation, or Children and Families.

The bill also prohibits towns from claiming or applying a lien against any money received as a settlement or award in a housing or employment discrimination case by a beneficiary of (1) the former town General Assistance program, (2) state aid in a state humane institution, or (3) a number of other assistance programs.

EFFECTIVE DATE: July 1, 2007

BACKGROUND***Types of Payments Exempt from State Claims or Liens***

The law generally requires people who have received state public assistance to repay the amounts the state has paid for them if they later receive a lump sum of money such as a court award or an inheritance. In such situations, it requires them to pay the lesser of 50% of the

money they receive or the amount of assistance the state provided. But some payments are specifically exempt from this requirement. The exemption includes:

1. payments under the Uniform Relocation Assistance Act administered by the Department of Economic and Community Development;
2. moving and relocation expenses for tenants who do not purchase an ownership interest when a building is converted to condominiums or a co-op;
3. money received as a settlement or award in a housing or employment discrimination case;
4. any court-ordered retroactive rent abatement, including those based on a landlord's failure to meet his or her responsibilities; or
5. any security deposit refund when a tenant moves out of an apartment.

These exemptions apply to current or former beneficiaries of the following programs:

1. the State Supplement Program,
2. medical assistance program (including Medicaid),
3. the former Aid to Families with Dependent Children (AFDC) program,
4. the Temporary Family Assistance Program (which succeeded the AFDC program), and
5. the State-Administered General Assistance program (SAGA).

Payments Exempt from Town Claims or Liens

Existing exemptions from town claims or lien are the same as for

state claims (see above) except for the settlements or awards in a housing or employment discrimination case, which the bill adds. The exemptions apply to someone who is or was a beneficiary of the former town General Assistance program or the SAGA cash or medical assistance program which replaced it. They also apply to anyone who:

1. received state aid in a humane institution or hospital;
2. was in a state or out-of-state mental hospital under a state reciprocal agreement;
3. received aid, care, or child support enforcement services from the state;
4. was subjected to state foreclosure on real estate;
5. received aid from the state prescription drug program for AIDS or HIV;
6. received Medicaid outpatient mental health services;
7. received aid in a nursing home, associated chronic disease hospital, residential care home, or residential facility for the mentally retarded; or
8. was subject to a child support order or arrearage.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 15 Nay 2 (03/15/2007)